

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA

v.

MARIUS LAZAR,

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§

CRIMINAL NO. 1:20-CR-78

OFFER OF PROOF No. 1

Marius Lazar, by and through undersigned counsel, submits this offer of proof.

1. The Defendant has offered Defense Exhibit No. 9 consisting of an email from the Bucharest City Charter of the Romanian Hells Angels documenting Marius Lazar's status as being "Patch-in-the-box." The document is offered pursuant to Federal Rules of Evidence 803(1) and (3) as it is a present sense impression of the Secretary of the Bucharest City Hells Angels and a then existing mental condition regarding how the Chapter and the Secretary of the Chapter perceived and understood Lazar's club membership status at the time that it was uttered. It is also admissible pursuant to Rule 801(d)(1)(B) as a prior consistent statement consistent with the Defendant's testimony and offered to rebut a claim of recent fabrication.

2. The Statement is material and essential to the Defendant's theory of the case. The Government maintains that the Defendant conspired to participate in a pattern of racketeering activity on behalf of the Hells Angels as a criminal enterprise. By demonstrating the Lazar was Patch-in-the-box, the Defense can show that Lazar's conduct

was unilaterally undertaken and *ultra vires* to the Hells Angels or their objectives as an enterprise. The exclusion of this evidence prejudices the Defendant's ability to present a defense fully and fairly.

3. The Government maintains that the exhibit should be excluded because it was not listed in the Defendant's Exhibit List. But the document did not come into the Defense's possession until October 31, 2023, *after* the Defendant's exhibit list deadline. During this time frame, on October 29, 2023, the Government notified the Defense that "rosters" existed of the Hells Angels membership in Bucharest. Counsel was not able to view the Rosters until November 2, 2023. The Rosters verified the authenticity of the Defendant's exhibit, giving the Defense the necessary assurances for offering it as an exhibit. For these reasons, the Defense requests leave to admit the exhibit despite its absence from the Exhibit List.

Respectfully Submitted,

/s/ John T. Hunter

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CERTIFICATE OF SERVICE

This certified that on the 14th day of November, 2023, a true and correct copy of the above and foregoing document was served on the Government via the CM/ECF electronic filing system.

/s/ John T. Hunter

Subject: Brother in PIB

Date: Monday, October 30, 2023 at 1:29:58 PM Central Daylight Time

From: HAMC Romania

To: jason@jbabblaw.com

**DEFENDANT'S
TRIAL EXHIBIT**

9

----- Forwarded message -----

From: **Hamc Romania** <romania@hells-angels.com>

Date: Thu, May 21, 2020 at 10:30 AM

Subject: Fwd: Pib

To: Hell's District <hd81romania@gmail.com>, HAMC Bucharest City <81bucharestcity@gmail.com>, HAMC Bucuresti <81bucuresti@gmail.com>, HAMC Constanta <81constantata@gmail.com>, HAMC NOMADS ROMANIA <hamcnomadsromania@gmail.com>, Timisoara 81 <timisoara81@gmail.com>

Marc81 Nomads Romania
TRANSYLVANIA

----- Forwarded message -----

From: "**HAMC Bucharest City**" <81bucharestcity@gmail.com>

Date: Thu, May 21, 2020 at 9:22 AM +0200

Subject: Pib

To: "HAMC ROMANIA" <romania@hells-angels.com>

Marius81 este Patch in the box. --

Love & Respect,

Andreas 81, Secty HAMC BUCHAREST CITY.

81bucharestcity@gmail.com

Love&Respect

Bobina 81 Nat. Secty

HAMC Romania